

2004 0513

OPEN SPACE ELEMENT
GENERAL PLAN FOR SISKIYOU COUNTY,
CALIFORNIA

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HAHN, WISE & ASSOCIATES, INC.
PLANNING CONSULTANTS

[1972]

RESOLUTION 317 BOOK 4

RESOLUTION OF THE BOARD OF SUPERVISORS
OF SISKIYOU COUNTY ADOPTING AN OPEN SPACE
ELEMENT AS A PART OF THE GENERAL PLAN FOR
SISKIYOU COUNTY

WHEREAS, this Board of Supervisors did receive from the Siskiyou County Planning Commission a proposed Open Space Element as a part of the General Plan for Siskiyou County, and

WHEREAS, a public hearing on said plan was held before this Board of Supervisors on the 27th day of June, 1972, notice thereof having been given in the time and manner specified by law, now

THEREFORE BE IT RESOLVED by the Board of Supervisors of the County of Siskiyou, State of California, in regular session assembled this 27th day of June, 1972 that the aforesaid Open Space Element be and it is hereby adopted as a part of the General Plan for Siskiyou County, and

BE IT FURTHER RESOLVED that the Planning Consultant is directed and authorized to certify the Open Space Element to any concerned agencies.

The foregoing resolution was introduced by Supervisor Ager, who moved its adoption, seconded by Supervisor Wacker and adopted by the following roll call vote:

AYES: Supervisors Ager, Belcastro, Hayden, Mattos, Wacker

NAYES: None

ABSENT: None

Whereupon the Chairman declared the above and foregoing resolution duly adopted and

SO ORDERED

/s/ Ernest Hayden
Chairman, Siskiyou County Board of
Supervisors

ATTEST:

NORMA PRICE, County Clerk
and Ex-officio Clerk of
the Board of Supervisors

by /s/ Rae Turbovsky
Deputy

RESOLUTION NO. 1972-8

RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF SISKIYOU, ADOPTING AN OPEN SPACE PLAN
FOR SISKIYOU COUNTY, STATE OF CALIFORNIA.

WHEREAS, this Commission did cause to be prepared an Open Space
Element for Siskiyou County, and

WHEREAS, in accordance with the provision of law a public hearing
was held on the 7th day of June, 1972, notice having been
given in the time and manner specified by law in which all
interested persons were afforded opportunity to be heard
thereon, and

WHEREAS, there were no comments received at the aforesaid hearing,
now

THEREFORE BE IT RESOLVED, by the Siskiyou County Planning Commission
in regular session this 7th day of June, 1972, that this
document entitled Open Space Element General Plan for
Siskiyou County be and is hereby adopted as written, and

BE IT FURTHER RESOLVED, that this Commission recommends that the
Board of Supervisors of the County of Siskiyou hold a
public hearing thereon in the manner prescribed by law and
do adopt said Open Space Element General Plan.

The foregoing resolution was introduced by Commissioner Kincaid,
who moved its adoption, seconded by Commissioner Cannon
and adopted by the following roll call vote:

AYES: Commissioners Weller, Hanna, Kincaid, Wilson, Martin,
Cannon Chairman Heidewald vacated and
voted AYE

NAYES: Commissioners None

ABSENT: Commissioners Radcliffe, Hillery

Whereupon the Chairman declared the above and foregoing resolution
duly adopted and

SO ORDERED

/s/ W M Heidewald
Chairman, Siskiyou County
Planning Commission

ATTEST:

/s/ Gene Kincaid
Secretary, Siskiyou County
Planning Commission

OPEN SPACE ELEMENT
GENERAL PLAN FOR SISKIYOU COUNTY,
CALIFORNIA

ADOPTED BY SISKIYOU COUNTY PLANNING COMMISSION
JUNE 7, 1972

General Plan for the
County of Siskiyou
—
Open Space Element

Introduction

Among the several elements which must be parts of the adopted General Plan for any city or county in California, the Open Space Element is included. In 1971, the Legislature changed the California Government Code by adding this requirement. The addition of Article 10.5 to Chapter 3 of Title 7 (Planning) of the Government Code spelled out in detail what the Legislature had in mind at the time. This Article which is concerned with Open Space goes to a considerable length to define "Open Space" and what is to be done about it in addition to the preparation of a plan. Therefore, in order to set this Open Space Element in a proper perspective it is necessary to quote liberally from the California Government Code.

Open Space Use is defined as the use of any land for public recreation, the enjoyment of scenic beauty, the conservation or use of natural resources, or the production of food or fiber. Open Space Land is any area of land or water, essentially unimproved and devoted to open space use and which is shown upon some open space plan as natural resource land, agricultural land, recreation land, scenic land, watershed or ground water recharge land or wildlife habitat.

The Legislature went to some considerable lengths to qualify the scope of the several types of land use which constitute open space lands as follows:

(a) Recreation lands is that area of land or water designated on an open space plan as being actively used for recreation purposes and open to the public for such use with or without charge.

(b) Scenic land is the land designated upon an open space plan as open space land possessing outstanding scenic qualities worthy of preservation.

(c) Natural Resource land is land deemed by the legislative body to possess such natural resources, the use or recovery of which can best be realized by restricting the use of land by those types of regulations adopted to implement plans.

(d) Agricultural land is actively used for the purpose of producing an agricultural commodity for commercial purposes including the accepted agricultural practice of allowing such land to lie idle for a period of up to one year.

(e) Watershed and ground water recharge land is land designated on an open space plan as land important to the state in order to maintain the quality and quantity of water necessary to the people of the state or any part of the state.

(f) Wildlife habitat is land designated on a plan as land unusually valuable or necessary to the preservation or enhancement of the wildlife resources of the state.

CAUSING THE PLAN TO WORK

In connection with the methodology outlined to determine what is open space, the Legislature proceeded to provide for carrying out the plan by expressing the finding that the increase in population of the state necessitates preservation of open space by the adoption and strict administration of laws, ordinances, regulations and other appropriate methods.

To accomplish this end a deadline of June 30, 1972, was set for adoption of the Open Space Plan. In addition, the Open Space Plan shall contain an action program to be pursued in effectuation of the plan. The enactment of the Legislature which contained the provisions for the Open-Space Plan Element also added Article 4 (Open Space Zoning) to Chapter 4 of Title 7 of the Government Code. This Article provides that by January 1, 1973 the County shall adopt an open space zoning ordinance consistent with the adopted Open Space Plan for the jurisdiction. This Article further contains a section which confirms certain limitations upon the local jurisdiction in effecting the preservation of open space. In this section the Legislature declares and finds that the Open Space Zoning Article is not intended to authorize the County to exercise its power to adopt, amend or repeal an open-space zoning regulation in such a way as will take or damage private property for public use without payment of just compensation. The enactment went further to state "This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or of the United States".

The Siskiyou County Plan Area.

Siskiyou County, the fifth largest County of the State, contains 6300 square miles of area, and is the largest county in Northern California.

Of the 4,040,000 acres comprising the county, 63% or 2,529,266 acres are in public ownership as follows:

Federal Holdings

Forest Service	2,320,463
Nat'l Park Service	43,398
Bureau of Reclamation	44,634
Bureau of Land Management	97,422
Other Agencies	2,122
	2,508,039

State Holdings

Fish and Game	351
State Lands Division	8,003
Dept. of Public Works	4,421
Other Agencies	8,434
	21,227

Total	2,529,266
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This extensive public ownership results in private ownership of only 37% of the county or 1,538,000 acres, as follows:

Private Holdings

Acres

Forest lands, commercial	718,000
Forest lands, non-commercial	369,000
	1,094,000

Non-forest lands

Urban and industrial	64,000
Irrigated Agricultural	135,000
Grass, Sage and Marsh Lands	245,000

444,000

Total	1,538,000 Acre (rounded)
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Public Ownership

Federal ownership in Siskiyou County constitutes 62.1% of the area of the county. By far the largest part of the federal ownership is National Forest lands. National Forests are under permanent management for multiple use: Timber, watershed, recreation, game management, grazing, and environment preservation being principal objectives of such multiple use management. This management concept results in the National Forest lands constituting open space lands in the purest sense of the word since these lands are anticipated to have the minimum of manipulation by man as a permanent part of their nature. National Park lands in the county provide recreation lands principally devoted to historic and geologic features as contained in the Lava Beds National Monument. Bureau of Reclamation lands are agricultural in nature resulting from the conservation of land and therefore constitute open space. The Public Domain lands of the Bureau of Land Management are principally open space lands in some cases consisting of woodlands and grazing lands, timber culture lands, recreation lands and game management lands. In some cases isolated parcels are held for exchange with private owners as a means of creating significant recreation, timber production, or livestock management areas. Among the other agencies concerned with federal ownerships is the Wildlife Management Program of the U.S. Fish and Wildlife Service. This Service not only operates lands

of other agencies for proper management of wildlife resources but provides hunting areas and protected areas where game populations can be restored. From the operational missions of each of the Federal Agencies concerned with land use in Siskiyou County it can be readily observed that such missions provide for the preservation of open space in its strictest sense. Accordingly, such lands are appropriately designated for open-space uses.

State Lands held within Siskiyou constitute only $\frac{1}{4}\%$ of the entire area of the county and represent 21,227 acres held for all state purposes. Included in this amount are some 350 acres held by the State Department of Fish and Game and some 1,100 acres in Castle Crags State Park, this latter area constituting open space.

The County of Siskiyou has developed the Lake Siskiyou (Box Canyon) recreation site consisting of 2,074 acres including 512 acres of water surface. Not only does this area constitute a recreation site but is also a water conservation facility. The Montague Irrigation District maintains Dwinnell Lake (Lake Shastina) which affords 1,818 acres of water surface. This lake affords recreational use of the water surface but also is a water conservation facility. Two hydro-electric lakes, Copco and Irongate, provide water surfaces for recreation of 1,300 acres and 1,740 acres respectively and in addition Irongate Reservoir is surrounded by recreational lands affording camp and picnic sites to a total area of 3,800 acres.

The Recreation Element of the Siskiyou County General Plan includes two additional proposals not included in other portions of the Open Space Plan. These are the proposed Indian Tom Lake Recreation Area near the City of Dorris which constitutes an area of approximately 900 acres. The other proposal is the Klamath River and Scott River Recreation Areas. These are strips of land along the Klamath River extending from Irongate Reservoir downstream to Happy Camp and along the Scott River extending from Meamber Gulch downstream to the Klamath River. The basic purpose of these recreation areas is to indicate the intent of Siskiyou County to preserve these rivers for recreational use without preventing compatible use of private lands. Since significant portions of these reaches of the two rivers are in private ownership, the future development of such private lands must be done in such a manner as to have no adverse effect upon the recreational use. This distinction recognizes that the Salmon River and the Klamath River downstream of Happy Camp are generally situated in areas that are predominately National Forests. Similarly, that extent of the Scott River upstream of Meamber Gulch passes through lands which to a great extent will be under Flood Plain Zoning, Agricultural Preserves, Agricultural Zoning or Agricultural-Forestry Zoning, all of which contribute substantially to the Open Space Areas of Siskiyou County.

At the present time Siskiyou County has under Agricultural Preserve Agreements 165,000 acres of agricultural land in the Scott and Shasta Valleys. In addition, although not presently in effect because of a technicality, the County anticipates having some 472,000 acres under exclusive Agricultural-Forestry Zoning which designates those commercial forest lands for continuing timber culture on a sustained yield basis.

In summary, not less than 78% of the area of Siskiyou County (3,150,000 acres of the 4,040,000 acres) is (a) in Federal ownership and operation in such a manner as to insure its permanency as open space, or (b) under Agricultural Preserve Agreements insuring its continued use for agriculture or (c) under Agricultural-Forestry Zoning to insure its retention as timber culture lands. A substantial portion of the remainder, or 22% of the area of the county is in commercial forest lands, non-commercial forest lands, or grass sage and marsh lands with only about 1.6% of the area of the county used for urban and industrial lands.

Action Program

The County of Siskiyou is presently commencing a planning program which will insure the establishment of regulations under zoning consistent with effectuation of this Open Space Plan. At the present time an area-wide Plan for the Scott River Watershed is currently under way. This Plan encompasses all of the watershed area of the Scott River. Under this Plan, areas of Agricultural-Forestry, General Agriculture (agricultural preserves and related areas) and Flood Plains (water infiltration as well as flood danger areas) of several categories will be designated as zoning districts in keeping with requirements for open space lands.

The Siskiyou County Zoning Regulations provides for the following Zoning Districts which are related directly to Open Space Preservation:

E-A Exclusive Agriculture

A-F Agriculture-Forestry

A-2 General Agriculture

It is anticipated that several new zoning districts will be added shortly and are now in process of preparation, as follows:

FP-1 Flood Plain 1 an overlay zone applicable to areas of frequent flooding and providing generally for agricultural and with structures limited to those for housing of livestock and agricultural equipment.

FP-2 or Flood Plain 2 - Also an overlay zone applicable to areas of infrequent flooding will provide for design of building foundations of adequate strength to withstand moving water or inundation and with floor levels of an elevation high enough to be above any anticipated 100 year storm. The areas under FP-2 will be subject to use regulation by the underlying zoning most of which will be agricultural in the case of Scott Valley.

SC or Scenic Conservation District an overlay zone providing for safeguarding scenic highway routes within the county and preserving and protecting scenic outlook from such highways.

In addition to zoning regulations it is anticipated that the agricultural preserves will be expanded within the next year to bring additional lands under contract.

In addition to the various methods available under zoning and contract to set aside open space the Planning Commission has adopted and sent to the Board of Supervisors a policy statement reflecting its outlook for open space amenity in individual developments. Such a policy does not transcend specific requirements of those zoning districts establishing coverage standards but in the case of zoning districts without standards, the policy sets the design standard in terms of minimum open space to be provided by the developer or subdivider.

This policy adopted March 1, 1972, states as follows:

1. That within the gross area of any development within the unincorporated area of this county, not less than 15% of the gross land area of the proposed development should be open space.

2. That such open space may be dedicated for public use such as park areas or may be retained in private ownership with limitations such as restrictions against resubdivision, the dedication to the county of development rights, ownership vested in a property owners corporation or association, scenic easements granted to the county or other forms of restrictions including covenants.

3. It is not the intention of this policy that open space lands are to become public property but only to bear sufficient encumbrance to insure their continuance.

4. The purpose of this policy is to provide a frame of reference for the Planning Commission and Board of Supervisors to use in the evaluation of development plans brought before them for approval.

5. That this policy is an expression of intent of this Planning Commission and the Board of Supervisors that the development of lands within the county be done in such a manner as to result in the establishment of populous areas of the county without an opportunity to enjoy the natural amenities of the landscape and to make possible the renewal of human resources that result from room for recreation.

Conclusions:

The Open Space Plan Map indicates a major portion of the County to be under either an ownership pattern or a contractual pattern or approaching zoning regulation which would provide for approximately 9500 acres of open space per 1,000 population at the current population level. This is approximately one hundred times the general area standard of 100 acres open space per 1,000 population. As a result of this excess of open space area per capita, Siskiyou County affords open space of a regional or statewide significance which cannot be provided in urbanized counties.

OPEN SPACE PLAN

